

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BISHNU RAUTH, M.D.,

Plaintiff,

vs.

No. _____

NEW MEXICO MEDICAL BOARD,

Defendant.

COMPLAINT

Plaintiff, Bishnu Rauth, MD, alleges:

Request for Injunctive Relief

1. Plaintiff is, and at all times mentioned in this complaint was, a licensed medical practitioner practicing as an oncologist and operating New Hope Cancer Center.
2. Plaintiff is a valid holder of a medical license, number 91-288, issued by the New Mexico Medical Board, and said license was summarily suspended on July 7, 2017.
3. Defendant, New Mexico Medical Board, is empowered by statute to regulate the medical profession and is responsible for issuing, suspending, and revoking licensure in the State of New Mexico.
4. On July 7, 2017, Defendant summarily suspended Plaintiff from the practice of medicine without a hearing.
5. An evidentiary hearing was held on August 24, 2017 regarding continuing the summary suspension issued on July 7, 2017 (“the first hearing”) and on September 11, 2017, the Board’s hearing officer filed Proposed Findings of Fact and Conclusions of Law

recommending the continued suspension of Plaintiff's license.

6. The first hearing was defective insofar as observation of Plaintiff's due process rights under the 14th Amendment to the United States Constitution.
7. Plaintiff has filed numerous motions in regard to this matter in relation to the competency of the hearing officer, discovery, competency of witnesses, and other motions regarding his due process rights.
8. As of the filing of this complaint, the vast majority of those motions were denied without hearing by Board's hearing officer.
9. Plaintiff has no plain, speedy, or adequate remedy other than the issuance by this court of an order to reverse the suspension and an injunction from future suspension. Unless the requested injunctive relief is granted, plaintiff will suffer irreparable injury, in that he will continue to be unable to generate an income from his chosen profession.

Request for Damages

10. Plaintiff incorporates paragraphs 1-9 as if stated fully herein.
11. Plaintiff has suffered damages from loss of income and diminution of value of his practice as a result of the violation of his due process rights.
12. Plaintiff estimates his current loss of net income at approximately \$780,000.00.
13. Plaintiff estimates that his current practice has diminished from the value of an ongoing concern generating a net income in excess of \$1,000,000.00 annually to a current value consisting wholly the value of any equipment and property.

Relief Requested

WHEREFORE, Plaintiff requests relief and prays that this Honorable Court:

1. issue an injunction ordering the recension of the suspension of Plaintiff's license and

restrain Defendant from further proceedings against him that violate his due process rights;

2. Order damages for income lost as a result of his license being suspended;
3. Order damages for diminution of value of his practice; and
4. Any other remedy available at law.

Respectfully Submitted,

\s\ W. Shane Jennings
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